

Rights of Federal Crime Victims

The victims' rights movement of the 1970s and 1980s resulted in the creation of many programs designed to assist victims of crime and in the passage of laws at the local, state, and federal level establishing certain rights for victims. These rights and services vary somewhat from state-to-state, depending upon the laws of each state and available resources. State and local authorities investigate crimes which are violations of state criminal laws. Most crimes investigated by the FBI involve violations of the United States Federal Criminal Code. Victims of federal crimes are entitled to certain rights and services according to federal law.

Crime victims' rights mean the eight rights which are included in Section 3771 of Title 18 of the U.S. Code, Crimes and Criminal Procedure. These rights are:

- The right to be reasonably protected from the accused;
- The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or any release or escape of the accused;
- The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at the proceeding;
- The right to be reasonably heard at any public proceeding in the district court involving release, plea, [or] sentencing, or any parole proceeding;
- The reasonable right to confer with the attorney for the government in the case;
- The right to full and timely restitution as provided in law;
- The right to proceedings free from unreasonable delay, and
- The right to be treated with fairness and with respect for the victim's dignity and privacy. For purposes of these rights and services, victims are defined in specific ways in the law.

A crime victim means a person who has been directly and proximately harmed (physically, emotionally, or financially) as a result of the commission of a federal offense or an offense in the District of Columbia. In the case of a crime victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardians of the crime victim or the representatives of the crime victim's estate, family members, or any other persons appointed as suitable by the court may assume the crime victim's rights, as long as that person is not a defendant in the crime being investigated or prosecuted. Foreign citizens may be victims in some cases. Businesses, corporations, and nonprofit organizations can be eligible victims, and an authorized representative of the entity should be designated for purposes of notification. A government agency or entity is not considered a victim for purposes of these rights.

Most of these rights apply after charges have been filed by a U.S. Attorney's Office. The FBI's responsibility for assisting victims is continuous until the investigation is closed or until it is turned over to a U.S. Attorney's Office for prosecution.